

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DALE PREACHER,)	
)	
Plaintiff,)	Civil Action No.19-1207
)	
v.)	Judge Cathy Bissoon
)	
CORRECT CARE SERVICES, <i>et al.</i> ,)	Magistrate Judge Richard A. Lanzillo
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On March 6, 2020, Defendant Arthur Santos (“Dr. Santos” or “Defendant”) filed a Motion to Dismiss, (Doc. 75), arguing Plaintiff had not properly set forth any claims against him, or, in the alternative, that Plaintiff’s allegations with respect to him were speculative and vague. On March 24, 2020, Plaintiff filed a Response in Opposition, (“Response,” Doc. 82), and a brief in support, (“Response Brief,” Doc. 83), arguing he sufficiently pled a claim against Defendant for prescribing a mediation without his consent. (E.g., Response Brief at 1–2.) Thereafter, Defendant filed a Reply, (Doc. 84), Plaintiff supplemented his arguments, (Doc. 85), and Defendant offered a Surreply, (Doc. 86).

On April 20, 2020, Magistrate Judge Lanzillo issued a Report, (“R&R,” Doc. 95), recommending—with respect to Dr. Santos—dismissal of Plaintiff’s deliberate indifference claim with prejudice and dismissal of Plaintiff’s due process claim without prejudice. (R&R at 12–13.) Objections to the R&R were due on or before May 7, 2020, (Doc. 95), but no objections were received.

After a *de novo* review of the Complaint, the Motion to Dismiss, Plaintiff's Response along with his Response Brief, as well as all other related briefing, together with the R&R, it is hereby **ORDERED** that the R&R is **ADOPTED** as the opinion of the district court. To the extent Plaintiff's Complaint attempts to set forth a claim for an Eighth Amendment deliberate indifference claim against Dr. Santos, that claim fails as a matter of law and is **DISMISSED WITH PREJUDICE**. Plaintiff's due process claim against Dr. Santos is **DISMISSED WITHOUT PREJUDICE**. If Plaintiff wishes to amend his Complaint with respect to his due process claim, he must do so on or before June 9, 2020. Should Plaintiff fail to file an amended pleading by that date, his due process claim against Dr. Santos will also be dismissed with prejudice.

IT IS SO ORDERED.

May 19, 2020

s\Cathy Bissoon

Cathy Bissoon
United States District Judge

cc (via U.S. Mail):

John Dale Preacher
HU7994
SCI Houtzdale
209 Institution Drive
P.O. Box 1000
Houtzdale, PA 16698-1000